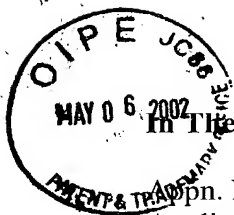


#3



United States Patent and Trademark Office

Appn. Number: 10/040,210  
 Applicants: Aoki, et al.  
 Title: Apparatus, Method, and Computer Program Product for Plotting  
 5 Proteomic and Genomic Data  
 Examiner: N/A  
 Art Unit: N/A

RECEIVED  
 MAY 29 2002

Hon. Assistant Commissioner of Patents and Trademarks  
 10 Office of Petitions  
 Washington, D.C. 20231

OFFICE OF PETITIONS

Sir:

In response to the Office Action mailed on February 7, 2002 and having a  
 15 shortened statutory period for reply of two months, applicant responds as follows:

**NOTICE OF INCOMPLETE NON-PROVISIONAL APPLICATION**

Applicant asserts that drawings were, in fact, provided with the original filing of this  
 application, and that any error was due to handling difficulties at the USPTO. As evidence of the  
 20 proper original submission of the drawings, photocopies of both sides of the return-receipt  
 postcard are enclosed herewith, as well as a copy of the drawings as originally submitted.  
 Furthermore, should the Office of Petitions contend that the drawings were not submitted with the  
 application, Applicant further contends that the drawings are not necessary for according this  
 application with a filing date of January 2, 2002. To support this alternate contention, applicant  
 25 indicates that the invention has been claimed as a method, and Applicant further contends that the  
 application inherently supports the drawings and will provide a detailed explanation regarding  
 this contention, non-supported subject matter, if it exists, removed. This petition is submitted  
 pursuant to 37 CFR 1.17(h), along with the requisite \$130.00 fee. Should this petition be granted,  
 Applicant hereby requests a refund of the petition fee.

05/13/2002 RHEBRAHT 00000023 10040210

01 FC:122  
 Adjustment date: 07/17/2002 AKELLEY 130.00 DP  
 05/13/2002 RHEBRAHT 00000023 10040210  
 01 FC:122 -130.00 DP

BDI002 NINA OA Response

Refund Ref: 003009823  
 07/17/2002  
 Credit Card Refund Total: \$130.00  
 VISA....: XXXXXXXXXXXX1019


Applicant further notes that an additional \$42 is also enclosed to cover the deficiency noted in the Notice.

In addition, a one petition for a one-month extension of time is also enclosed, and a request for a refund of this fee is also requested, should the petition be granted. Applicant notes  
5 that Applicant is a small entity for purposes of this fee determination.

In the event the Petitions Officer reviewing this petition wishes to discuss any aspect of this response, please contact the undersigned at the telephone number indicated below.

Respectfully submitted,

10

  
\_\_\_\_\_  
Cary Tope-McKay  
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20



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/040,210	01/02/2002	Kiyoko F. Aoki	BDI001

CONFIRMATION NO. 9004

## FORMALITIES LETTER



\*OC000000007439245\*

 Tope-McKay & Associates  
 23852 Pacific Coast Highway #311  
 Malibu, CA 90265

Date Mailed: 02/07/2002

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- Total additional claim fee(s) for this application is \$42.
  - \$42 for 3 independent claims over 3.
- The balance due by applicant is \$ 42.

05/13/2002 RMEBRAHT 00000023 10040210

03 FC:202 42.00 DP

*A copy of this notice **MUST** be returned with the reply.*

 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE